

REMARKS/ARGUMENTS

This application has been carefully reviewed in view of the Office Action dated December 7, 2004. In that Office Action, claims 1-15 were rejected as being obvious over Abel (U.S. 5,582,744).

Abel is non-analogous art

Applicant respectfully submits that Abel is non-analogous art and citation thereto is in error. "In order to rely on a reference as a basis for rejection of an Applicant's invention the reference must either be in the field of Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the invention was concerned". (*In re Oetiker*, 977 F2d. 1443, 1446, 24 U.S.P.Q. 2d 1443, 1445 (Fed. Cir. 1992); MPEP §2141.01(a)).

Abel teaches a novel configuration for the pressurized filtration of a slurry mixture to separate liquid and solid constituents. Applicant's invention is directed to structural members comprising fiber-resin and including a diametral fiber truss to increase structural rigidity. Where Abel teaches improved filtration through increased surface area of wire bristles, Applicant's invention teaches increased rigidity of the fiber-resin structural member through the adhesion of diametral fibers to the interior surface of structural member.

In addition, the Applicant's invention and the Abel reference are in different art units and would likely fall under different U.S. classifications. The subject application has been classified in Art Group 1772, stock materials. The Abel reference was likely in Art Group 1720, fluid separation and agitation. Furthermore, the subject application would likely be in U.S. Classification 428, stock material or miscellaneous articles, whereas the Abel reference is in U.S. Classification 210 dealing with liquid purification or separation. The fact that Applicant's invention and the Abel reference are from such different technology areas, it is unlikely that a person having

ordinary skill in the art would look to liquid purification or separation technology when working on fiber-resin structural members.

The claimed combination is not obvious

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (MPEP § 2143.03, *In re Royka*, 180 U.S.P.Q. 580 (CCPA 1974)). All words in the claim must be considered in judging the patentability of the claims against the prior art. (*In re Wilson*, 165 U.S.P.Q. 494, 496 (CCPA 1970)).

Applicant has amended claims 1 and 8 to include "diametral fibers are connected to the fiber-resin tubing with resin." Such structure is not shown, taught or suggested in the Abel reference, nor would any of the remaining references of record or the knowledge of one having ordinary skill in the art teach one to modify Abel to include such structure. Accordingly, amended independent claims 1 and 8 together with independent claim 13 and of their dependent claims are now in condition for allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,


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